



**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

In accordance with the written Memorandum Opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED**, pursuant to Rule 4 of the Rules Governing § 2254 Proceedings; the action is **STRICKEN** from the active docket of the court; and petitioner's motion for leave to proceed in forma pauperis (docket number 3) is **DENIED AS MOOT**.¹

The Clerk is directed to send a copy of this final Order and the accompanying Memorandum Opinion to petitioner.

ENTER: This 8th day of April, 20008.

James G. Turk
Senior United States District Judge

¹ Petitioner is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within thirty days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).